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is sufficient to attain the PM-10 NAAQS.

(h) EPA disapproves the portion of 45 CSR 13 subsection 1 referencing major stationary sources which have not been issued a permit pursuant to 45 CSR 30 and section 11.2, submitted by the West Virginia Department of Environmental Protection on August 26, 1994, as revisions to the West Virginia SIP. These provisions do not meet the requirements of 40 CFR 51.160 for scope. EPA also disapproves 45 CSR 13 section 9, submitted by the West Virginia Department of Environmental Protection on August 26, 1994, as a revision to the West Virginia SIP. These provisions do not meet the requirements of 40 CFR 51.161 for public participation.

(i) [Reserved]

[38 FR 16170, June 20, 1973, as amended at 45 FR 39255, June 10, 1980; 45 FR 54051, Aug. 14, 1980; 45 FR 74480, Nov. 10, 1980; 47 FR 55396, Dec. 9, 1982; 59 FR 37688, July 25, 1994; 60 FR 33925, June 29, 1995; 61 FR 58482, Nov. 15, 1996; 65 FR 2046, Jan. 13, 2000; 68 FR 51464, Aug. 27, 2003; 71 FR 1697, Jan. 11, 2006; 71 FR 56884, Sept. 28, 2006]

### § 52.2523 Attainment dates for national standards.

The New Manchester and Grant Magisterial Districts in Hancock County are expected to attain and maintain the secondary sulfur dioxide (SO<sub>2</sub>) standards as soon as the Sammis Power Plant meets the SO<sub>2</sub> limitations in the Ohio State Implementation Plan.

[61 FR 16063, Apr. 11, 1996]

### § 52.2524 Compliance schedules.

(a) The requirements of § 51.262(a) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(b) Federal compliance schedules. (1) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the emission limitation requirements of West Virginia Administrative Regulations, Chapter 16–20, Series X (hereinafter regulation X), section 3.01(a) or section 3.03(a), shall notify the Administrator, no later than October 1, 1973, of his intent to meet the requirements

of said regulation by utilizing low-sulfur fuel, stack gas desulfurization, or a combination of stack gas desulfurization and low-sulfur fuel.

(2) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section who elects to utilize low-sulfur fuel, either alone or in combination with stack gas desulfurization, shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on June 30, 1975, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) May 15, 1974—Initiate onsite modifications, if applicable.

(vi) February 28, 1975—Complete onsite modifications, if applicable.

(vii) June 30, 1975—Final compliance with the requirements of regulation X, section 3.01(a) or section 3.03(a).

(3) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section who elects to utilize stack gas desulfurization, either alone or in combination with low-sulfur fuel, and any owner or operator of a stationary source subject to the emission limitation requirements of regulation X, section 3.05, shall be subject to the following compliance schedule:

(i) October 15, 1973—Let necessary contracts for construction.

(ii) February 28, 1974—Initiate onsite construction.

(iii) February 28, 1975—Complete onsite construction.

(iv) June 30, 1975—Final compliance with the requirements of regulation X, section 3.01(a), section 3.03(a), or section 3.05.

(4) The owner or operator of any boiler or furnace of more than 250 million

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Btu per hour heat input subject to the emission limitation requirements of regulation X, section 3.01(b) or section 3.03(b) shall notify the Administrator, no later than July 31, 1975, of his intent to meet the requirements of said regulation by utilizing low-sulfur fuel, stack gas desulfurization, or a combination of stack gas desulfurization and low-sulfur fuel.

(5) Any owner or operator of a stationary source subject to paragraph (b)(4) of this section who elects to utilize low-sulfur fuel, either alone or in combination with stack gas desulfurization, shall be subject to the following compliance schedule:

(i) August 31, 1975—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on June 30, 1978, and for at least one year thereafter, as well as a statement as to whether boiler modifications will be required. Submit final plans for modifications if they will be required.

(ii) October 31, 1975—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) December 31, 1975—Let contracts for necessary boiler modifications, if applicable.

(iv) April 30, 1976—Initiate onsite modifications, if applicable.

(v) April 30, 1977—Complete onsite modifications, if applicable.

(vi) June 30, 1978—Final compliance with the requirements of regulation X, section 3.01(b) or section 3.03(b).

(6) Any owner or operator of a stationary source subject to paragraph (b)(4) of this section who elects to utilize stack gas desulfurization, either alone or in combination with low-sulfur fuel, shall be subject to the following compliance schedule:

(i) October 30, 1975—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) February 28, 1976—Let necessary contracts for construction.

(iii) August 31, 1976—Initiate onsite construction.

(iv) December 31, 1977—Complete onsite construction.

(v) June 30, 1978—Final compliance with the requirements of regulation X, section 3.01(b) or section 3.03(b).

(7) Any owner or operator subject to the compliance schedule in paragraph (b) (2), (3), (5) or (6) of this section shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(8) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by the final compliance date in the applicable regulation. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(9) (i) None of the above paragraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by October 1, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than October 1, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(iv) The requirements of this paragraph shall not apply to the following sources for which a request for a postponement of the applicability of regulation X had been submitted pursuant to section 110(f) of the Act prior to the date of publication of this regulation:

Source	Location
Kammer Station, Ohio Power Company ....	Moundsville.
Mitchell Station, Ohio Power Company .....	Do.
Harrison Station, Monongahela Power Company.	Haywood.

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Source	Location
Fort Martin Station, Monongahela Power Company.	Maidsville.

(10) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) (2), (3), (5), or (6) of this section fails to satisfy the requirements of §§ 51.261 and 51.262(a) of this chapter.

[38 FR 16170, June 20, 1973, as amended at 38 FR 22751, Aug. 23, 1973; 38 FR 24342, Sept. 7, 1973; 39 FR 32560, Sept. 9, 1974; 40 FR 3569, Jan. 23, 1975; 51 FR 40676, 40677, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

### § 52.2525 Control strategy: Sulfur dioxide.

(a) The provisions of § 51.112(a) are not met because the State did not adequately demonstrate that the deletion of section 3.03(b) of West Virginia regulation X as it applies to the Rivesville plant would not interfere with attainment and maintenance of the national ambient air quality standard.

(b) EPA approves the attainment demonstration State Implementation Plan for the City of Weirton, including the Clay and Butler Magisterial Districts area in Hancock County, West Virginia, submitted by the West Virginia Department of Environmental Protection on December 29, 2003.

[43 FR 52240, Nov. 9, 1978, as amended at 51 FR 40676, Nov. 7, 1986; 69 FR 24992, May 5, 2004]

### § 52.2526 Control strategy: Particulate matter.

(a) EPA approves West Virginia's November 15, 1991 SIP submittal for fulfilling the PM<sub>10</sub>-specific requirement of part D for contingency measures required under section 172(c)(9) of the Clean Air Act applicable to the Follansbee, West Virginia PM<sub>10</sub> non-attainment area.

(b) *Determinations of Attainment.* EPA has determined, as of November 20, 2009, the Martinsburg-Hagerstown, WV-MD, the Parkersburg-Marietta, WV-OH and the Wheeling, WV-OH PM<sub>2.5</sub> non-attainment areas have attained the 1997 PM<sub>2.5</sub> NAAQS. These determinations, in accordance with 40 CFR 52.1004(c), suspend the requirements for

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these areas to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as these areas continue to meet the 1997 PM<sub>2.5</sub> NAAQS.

(c) *Determination of Attainment.* EPA has determined, as of September 7, 2011, that based upon 2007–2009 air quality data, the Huntington-Ashland, West Virginia-Kentucky-Ohio, non-attainment Area has attained the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this Area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this Area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

(d) *Determination of Attainment.* EPA has determined, as of September 14, 2011, that based on 2007 to 2009 ambient air quality data, the Steubenville-Weirton nonattainment area has attained the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

(e) *Determination of Attainment.* EPA has determined, as of October 11, 2011, that based on 2007 to 2009 ambient air quality data, the Charleston nonattainment area has attained the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.